

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT LEE SIMMS,

Plaintiff,

v.

J. CEBALLOS, et al.,

Defendants.

Case No. 1:20-cv-00285-JLT (PC)

**ORDER DIRECTING THE CLERK OF
THE COURT TO CLOSE CASE**

Plaintiff has filed a document titled, “Request that the ... Action be dropped,” wherein he states that he is “withdrawing [his] lawsuit an[d] ask[s] that it be set aside without prejudice.” (Doc. 11.) The Court construes Plaintiff’s filing as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Under the rule, a “plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Once a dismissal under Rule 41(a)(1) is properly filed, no order of the court is necessary to effectuate dismissal; the dismissal is effective automatically. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999).

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1 Because Plaintiff has filed a notice of dismissal, and no opposing party has appeared in
2 this case, this action has terminated. Accordingly, the Court DIRECTS the Clerk of the Court to
3 close this case.

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5 IT IS SO ORDERED.

6 Dated: September 22, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE